

26-52-101. Title.

This chapter is known as the "Autism Treatment Account."

Enacted by Chapter 69, 2010 General Session

26-52-102. Definitions.

As used in this chapter:

- (1) "Account" means the Autism Treatment Account created in Section 26-52-201.
- (2) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior that are:
 - (a) necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and
 - (b) provided or supervised by, for the purposes of the program, a:
 - (i) board certified behavior analyst; or
 - (ii) licensed psychologist with equivalent university training and supervised experience who is working toward board certification in applied behavior analysis.
- (3) "Autism spectrum disorder" is as defined by the most recent edition of the Diagnostic and Statistical Manual on Mental Disorders or a recent edition of a professionally accepted diagnostic manual.
- (4) "Committee" means the Autism Treatment Account Advisory Committee created under Section 26-52-202.
- (5) "Program" means the services offered by the committee using funds from the account.
- (6) "Qualified child" means a child who:
 - (a) is at least two years of age but less than seven years of age;
 - (b) is diagnosed with an autism spectrum disorder; and
 - (c) meets the other qualification criteria established by the committee under Subsection 26-52-202(4).
- (7) "Treatment" means the treatment of autism spectrum disorder.

Amended by Chapter 302, 2014 General Session

26-52-201. Autism Treatment Account -- Medical loss ratio calculation -- Use of account.

- (1) There is created within the General Fund a restricted account known as the Autism Treatment Account.
- (2) The account shall consist of:
 - (a) gifts, grants, devises, donations, and bequests of real property, personal property, or services, from any source, or any other conveyance that may be made to the account from private sources;
 - (b) interest and other earnings derived from the account money; and
 - (c) any additional amounts as appropriated by the Legislature.

(3) If an insurer contributes to the account, for purposes of calculating an insurer's medical loss ratio under the PPACA, as defined in Section 31A-1-301, the insurance commissioner shall consider the contribution to the account to be a claim's payment by the insurer.

(4) Except as provided in Subsection (5), the executive director of the department shall be responsible for administering the account.

(5) The committee shall, consistent with the requirements of this title:

(a) prioritize spending of account funds, as permitted under Subsection (6);

(b) determine which treatment providers qualify for disbursements from the account for services rendered; and

(c) authorize all other distributions from the account, except that disbursements for expenses authorized under Subsections (6)(b) and (c) shall also require the approval of the executive director.

(6) Account money may be used to:

(a) evaluate and treat a qualified child by utilizing applied behavior analysis or other proven effective treatments as determined by the committee under Subsection 26-52-202(4)(b);

(b) pay all actual and necessary operating expenses for the committee and staff; and

(c) pay administrative or other expenses of the Department of Health related to the program, except where those expenses are greater than 9% of the total account funds.

(7) All interest and other earnings derived from the account money shall be deposited into the account.

(8) The state treasurer shall invest the money in the account under Title 51, Chapter 7, State Money Management Act.

Amended by Chapter 302, 2014 General Session

26-52-202. Autism Treatment Account Advisory Committee -- Membership -- Time limit.

(1) (a) There is created an Autism Treatment Account Advisory Committee consisting of six members appointed by the governor to two-year terms of office as follows:

(i) one individual holding a doctorate degree who has experience in treating persons with an autism spectrum disorder;

(ii) one board certified behavior analyst;

(iii) one physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who has completed a residency program in pediatrics;

(iv) one employee of the Department of Health; and

(v) two individuals who are familiar with autism spectrum disorders and their effects, diagnosis, treatment, rehabilitation, and support needs, including:

(A) family members of a person with an autism spectrum disorder;

(B) representatives of an association which advocates for persons with an autism spectrum disorder; and

(C) specialists or professionals who work with persons with autism spectrum disorders.

(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every year.

(c) If a vacancy occurs in the committee membership for any reason, the governor may appoint a replacement for the unexpired term.

(2) The department shall provide staff support to the committee.

(3) (a) The committee shall elect a chair from the membership on an annual basis.

(b) A majority of the committee constitutes a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the committee.

(c) The executive director may remove a committee member:

(i) if the member is unable or unwilling to carry out the member's assigned responsibilities; or

(ii) for good cause.

(4) The committee shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the committee's activities that comply with the requirements of this title, including rules that:

(a) establish criteria and procedures for selecting qualified children to participate in the program;

(b) establish the services, providers, and treatments to include in the program, and the qualifications, criteria, and procedures for evaluating the providers and treatments; and

(c) address and avoid conflicts of interest that may arise in relation to the committee and its duties.

(5) As part of its duties under Subsection 26-52-201(5), the committee shall, at minimum:

(a) offer applied behavior analysis provided by or supervised by a board certified behavior analyst or a licensed psychologist with equivalent university training and supervised experience;

(b) collaborate with existing telehealth networks to reach children in rural and under-served areas of the state; and

(c) engage family members in the treatment process.

(6) The committee shall meet as necessary to carry out its duties and shall meet upon a call of the committee chair or a call of a majority of the committee members.

(7) The committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(8) Committee members may not receive compensation or per diem allowance for their services.

(9) Not later than November 30 of each year, the committee shall provide a written report summarizing the activities of the committee to:

(a) the executive director of the department;

- (b) the Legislature's Health and Human Services Interim Committee; and
- (c) the Legislature's Social Services Appropriations Subcommittee.
- (10) The report under Subsection (9) shall include:
 - (a) the number of children diagnosed with autism spectrum disorder who are receiving services under this chapter;
 - (b) the types of services provided to qualified children under this chapter; and
 - (c) results of any evaluations on the effectiveness of treatments and services provided under this chapter.

Amended by Chapter 302, 2014 General Session

26-52-203. Administration of services for eligible individuals.

- (1) The department shall establish procedures to:
 - (a) identify the qualified children who are eligible to receive services from the account in accordance with the standards for eligibility established in rules adopted by the committee under Subsection 26-52-202(4); and
 - (b) review and pay for services provided to a qualified child under this chapter.
- (2) The department may contract with another state agency or a private entity to identify qualified children, provide for services, and pay for services.
- (3) The department, or an entity contracted under Subsection (2), may negotiate with providers of the services offered under this chapter to maximize the efficiency and quality of services offered to qualified children.

Amended by Chapter 302, 2014 General Session